

VESTER SONGER

IBLA 83-15

Decided December 15, 1982

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer for acquired lands, NM-A 45951 (OK).

Affirmed.

1. Oil and Gas Leases: Acquired Lands Leases -- Oil and Gas Leases:
Description of Land

Where 43 CFR 3101.2-3(b)(3) allows the use of the acquisition number assigned by the acquiring agency to identify the tract sought to be leased, an acquired lands oil and gas lease offer using such a description must be accompanied by a map clearly marked showing the location of the requested lands or the offer will be rejected.

APPEARANCES: Vester Songer, Esq., Hugo, Oklahoma, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Vester Songer appeals the decision of the New Mexico State Office, Bureau of Land Management (BLM), dated August 18, 1982, rejecting noncompetitive acquired lands oil and gas lease offer NM-A 45951 (OK) for lands in the Fort Gibson Project, Oklahoma. The decision stated that the lease offer was not in compliance with 43 CFR 3101.2-3(b)(3), which requires submission of a map clearly marked showing the location of the desired lands in relation to the administrative unit or project of which they are a part.

Appellant filed his noncompetitive offer to lease acquired lands for oil and gas on June 10, 1981. The offer was accompanied by a listing of the tracts sought and a photocopy of the War Department District Engineer's map for the Fort Gibson Project. In a letter dated August 18, 1981, appellant requested the opportunity to amend the application and submitted another copy of the Engineer's map for the Fort Gibson Project.

Appellant contends that the maps are properly outlined and that reference to the entire record provides the adequate information needed for processing the application.

[1] Subsection (b)(3) of 43 CFR 3101.2-3 requires that offers describing the land by acquisition tract number "must be accompanied by the map required by paragraph (b)(2) of this section." Subsection (b)(2) provides that the map must be clearly marked showing the location of the desired lands with respect to the administrative unit or project.

The responsibility for furnishing a proper and adequate description of lands in an oil and gas lease offer is upon the offeror. Where the offer listed several tracts by the acquisition tract numbers assigned by the acquiring agency and it was accompanied by a plat prepared by the acquiring agency to show the location of each tract, the offeror was in compliance with the regulatory requirement for description of lands in an acquired lands oil and gas lease offer, as they are set forth in 43 CFR 3101.2-3(b)(3). Moran Exploration, Inc., 63 IBLA 392 (1982).

Appellant contends that his original offer is clear and complete in accordance with the regulations. The original offer to lease included the requisite seven copies of the approved form. In the space provided on the form for a description of the lands requested, appellant noted, "SEE ATTACHMENT SEGMENT MAP '5' FOR DESCRIPTION, FORT LAKE GIBSON." Each copy was accompanied by a list and a map. The list contains several tract numbers with their respective acreage amounts. Each map, identical to the others, is a photocopy of the Corps of Engineer's map for the project. It shows the boundaries and identifying numbers of each tract as assigned by the acquiring agency. Most of the numbers on each map, however, are unidentifiable because of dark slash marks appearing over them, which so obliterate the tract numbers as to render them completely illegible.

Appellant submitted a letter on August 18, 1981, which reads in part, "I would like to amend the following lease applications Serial Number N.M.A. 45951 OK with attached map." The accompanying map is a copy of the Engineer's map for the project and appellant has outlined an area on it with a heavy border marking. Most of the identifying tracts numbers within the bordered area are marked with a heavy slash. These slash marks make it impossible to recognize the tract numbers underneath. Furthermore, some of the tract numbers outside the dark boundary are marked while some of the numbers within are not similarly marked. It is, therefore, extremely difficult to verify which lands are requested and where they are located by using the map as appellant has marked it.

As noted, a map submitted pursuant to 43 CFR 3101.2-3(b) is adequate where it clearly shows the boundaries of each tract requested and within those boundaries is displayed the identifying acquisition tract number. Appellant's submitted maps appear misleading and uninformative in describing his offer. The boundaries and tract numbers are not delineated in a manner that would reasonably inform others of the intended offer. It is now well established that where a noncompetitive over-the-counter lease offer fails to include all of the information or materials required by the regulations, the

offer is properly rejected. Appellant failed to submit a map clearly marked as required under CFR 3101.2-3(b)(3).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

C. Randall Grant, Jr.
Administrative Judge

Bruce R. Harris
Administrative Judge